

PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.114
U.S. Application No. 09/834,343

REMARKS

Claims 1-10 and 14-16 are all the claims pending in the application.

In a final Office Action dated June 11, 2003, the Examiner rejected the claims based primarily on the Frankel reference, alone or in combination with one or more secondary references. Applicants respectfully traverse these rejections, and request reconsideration and allowance of the claims in view of the following arguments.

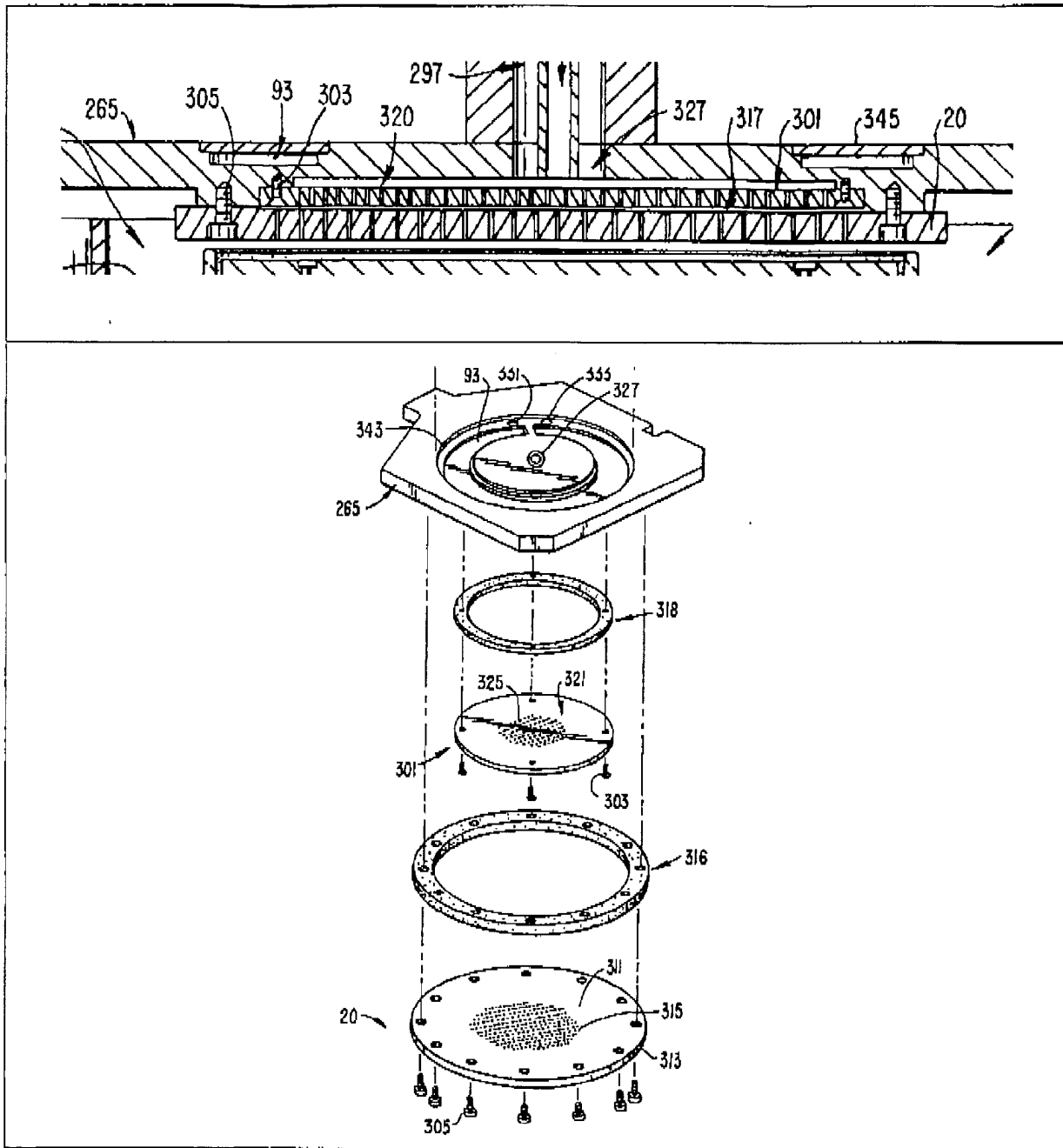
One of the points that Applicants attempted to make in responding to the final rejection was that Frankel, which teaches primarily a thermal CVD process, did not properly teach the applicability of his structure in a plasma CVD process. The Examiner has pointed out that Frankel incorporates Wang, relating to a plasma CVD process, by reference. However, Frankel, even as supplemented by Wang, fails to teach or suggest the formation of a plenum chamber as claimed in the independent claims. Formation of a plenum chamber is something relevant to a plasma CVD process. Frankel does not show a plenum chamber, nor does Frankel's plate and screw structure to which the Examiner points suggest in any way a plenum chamber.

Looking more closely at Frankel, the Examiner has pointed to plates 301 and 20 in Frankel, and to mounting screws 303 and 305. The Examiner also has alleged that Frankel chamber 317 is a plenum chamber formed between plates 301 and 20. Applicants can point to several reasons why the Examiner's reading of the claims on Frankel is deficient. For convenience, on the next page Applicants have reproduced relevant portions of Frankel Figs. 4 and 5.

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First, the mounting screws 303 and 305 do not connect plates 301 and 20. Rather, as discussed at Frankel col. 27, lines 43-47, "Mounting screws 303 and 305 provide a relatively

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tight, surface-to-surface contact between contact surfaces of gas distribution and dispersion plates 20, 301, respectively, and lower surface of base plate 265 to facilitate conductive heat exchange therebetween". Thus, mounting screws 303 connect plate 301 to base plate 265, and mounting screws connect plate 20 to base plate 265. The mounting screws 303 and 305 do not connect the plates 301 and 20 to each other. The holes 325, 315 to which the Examiner has pointed in plates 301, 20 respectively do not hold mounting screws 303, 305, or any pins at all for facilitating thermal transfer.

Second, there is no "chamber," much less a plenum chamber, formed between plates 20 and 301. The chamber 317 to which the Examiner has pointed is not between plates 20 and 301, but rather is between base plate 265 and plate 20, and is formed by means of annular stand-off 316, which comes between base plate 265 and plate 20 and surrounds plate 301, as shown in Fig. 5 and discussed at col. 27, lines 51-55. Frankel does not specify the material of which annular stand-off 316 is made, so Frankel is silent as to whether that chamber 317 acts, or can act as a plenum chamber. In the absence of any specifics in Frankel regarding the make-up of annular stand-off 316, the Examiner cannot posit any inherent function of the chamber 317 as a plenum chamber in a plasma CVD device.

Wang, to which the Examiner refers for the teaching of a plasma CVD device, does not suggest in any way that Frankel's structure on which the Examiner relies forms or functions as a plenum chamber. Therefore, Applicants submit that claims 1, 8, 9, and 14 are patentable.

Tomoyasu, Hillman, and Vukelic, on which the Examiner relies secondarily, fail to remedy any of Frankel's deficiencies. As a result, Applicants submit that all of the claims of the present application are patentable.

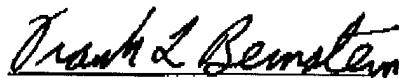
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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



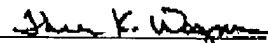
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Date: December 18, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment Under 37 C.F.R. § 1.114 is being facsimile transmitted to the U.S. Patent and Trademark Office this 18th day of December, 2003.


Thea K. Wagner